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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 20, 2002

PETITION OF

GLOBAL NAPS SOUTH, INC.

CASE NO. PUC020001

For Arbitration Pursuant to
§ 252(b) of the Telecommunications
Act of 1996 to Establish an
Interconnection Agreement with
Verizon Virginia Inc.

ORDER OF DISMISSAL

By Preliminary Order of February 20, 2002, the State Corporation Commission ("Commission") docketed this petition of Global NAPS South, Inc. ("GNAPS"), for arbitration of unresolved issues in its interconnection negotiations with Verizon Virginia Inc. ("Verizon Virginia") pursuant to § 252(b) of the Telecommunications Act of 1996.¹ In the Preliminary Order, the Commission made certain findings on its jurisdiction to arbitrate pursuant to our "Rules governing the offering of competitive local exchange service," 20 VAC 5-400-180 F 6. We ordered GNAPS and Verizon Virginia to advise the Commission by March 7, 2002, whether they wished to pursue arbitration under 20 VAC 5-400-180 F 6.

By letters timely filed with the Commission both Verizon Virginia and GNAPS have advised that they declined to pursue

¹ Telecommunications Act of 1996, Pub.L.No. 104-104, 110 Stat. 56, *codified as* 47 U.S.C. § 151 *et seq.*

arbitration under our rules and will proceed before the Federal Communications Commission ("FCC"). GNAPS has requested dismissal of the Petition. Therefore, the Commission finds that the Petition of GNAPS should be dismissed so that the parties may proceed before the FCC. It shall be the responsibility of the parties to serve copies of all pleadings filed herein on the FCC.

Accordingly, IT IS ORDERED THAT:

(1) This case is hereby dismissed without prejudice, consistent with the findings above. This Commission will not arbitrate the interconnection issues under federal law for the reasons set forth in its Preliminary Order of February 20, 2002, which is incorporated by reference herein.

(2) There being nothing further to come before the Commission, this case is dismissed.